

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. Byrum *et al.*

Art Unit: 2833

Appln. No.: 09/206,040

Examiner: Scott D. Priebe

Filed: December 4, 1998

Atty. Docket: 04983.0151.US01/  
38-21 (15446)B

For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants

**DECLARATION UNDER 37 C.F.R. § 1.132**

Assistant Commissioner for Patents  
Washington, DC 20231

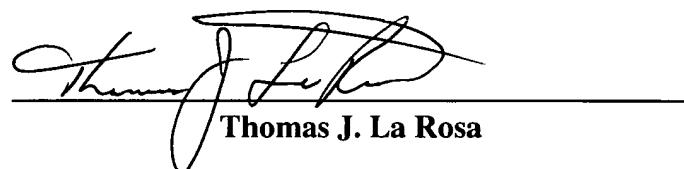
Sir:

I, Thomas J. La Rosa, make the following declaration related to matters that are within my personal knowledge:

1. I am a co-inventor of the above-captioned application.
2. I am familiar with the above-captioned application, which was filed December 4, 1998 and assigned Serial No. 09/206,040 (hereinafter the "'040 application"). The '040 application discloses an EST derived from a soybean clone designated "LIB3049-003-Q1-E1-H7", which is identified in the '040 application as SEQ ID NO: 1.
3. I hereby certify that the clone designated LIB3049-003-Q1-E1-H7 was deposited on August 23, 2000 with the American Type Culture Collection (ATCC, 10801 University Blvd., Manassas, VA 20110-2209 USA) under the Budapest Treaty, and was accorded ATCC accession number PTA-2416.

4. I hereby certify that the deposited DNA is the same clone LIB3049-003-Q1-E1-H7 described in the above-captioned patent application. The biological material deposited was derived from an aliquot of clone LIB3049-003-Q1-E1-H7 that has been in my continuous custody and control at Monsanto Company from prior to the priority date of December 4, 1998 of the above-captioned application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Thomas J. La Rosa

Executed on September 11, 2000.